

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

RANDALL MYERS,)
)
)
Plaintiff,)
) No.: 3:14-cv-230-TAV-CCS
v.)
)
JAMES BERRONG, et al.,)
)
)
Defendants.)

MEMORANDUM

Because the plaintiff did not pay the \$350.00 filing fee nor submit an application to proceed *in forma pauperis*, plaintiff was given thirty days to pay the filing fee or to submit the proper documents to proceed *in forma pauperis*. Plaintiff's copy of that order, which was mailed to him at his last known address of Blount County Detention Center, was returned undelivered on June 17, 2014, with the notation "released." Plaintiff bears the burden of prosecuting his action, which includes informing the Court of his correct mailing address, and he has not done so.

Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE, *sua sponte***, for failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE